

*Gary Fahr*

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Honorable Gary Spraker  
United States Bankruptcy Judge



Entered on Docket  
July 26, 2019

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA

In re: ) Case No. 14-50333-gs  
 ) Case No. 14-50331-gs  
ANTHONY THOMAS and, )  
 ) (Jointly Administered)  
WENDI THOMAS, )  
 ) Chapter 7  
AT EMERALD, LLC, )  
 ) Hearing on Trustee's Sale Motion  
Debtors. ) **Date:** July 19, 2019  
 ) **Time:** 1:00 p.m.

**ORDER RE: TRUSTEE'S MOTION FOR  
ORDER CONFIRMING SALE BY AUCTION**

On July 19, 2019, this court held an evidentiary hearing on the chapter 7 trustee's (Trustee) Motion for Order Confirming Sale by Auction; Request for Approval of Payment of Commission to Stremmel Auctions (ECF No. 430) (Sale Motion). Appearances were as noted on the record. Pursuant to the Sale Procedures Order (ECF No. 510), the bidding on the "Thomas Emerald" was reopened at \$21,500, together with a 10% buyer's premium. Debtor Anthony Thomas submitted an overbid in the sum total of \$25,000. Although this bid was, when taking the buyer's premium of 10% into account, less than the \$2,500 overbid increment set forth in the Sale Procedures Order, the chapter 7 trustee agreed to accept the bid, with the next-highest bidder, Ken Tersini, to serve as the back-up bidder. Mr. Thomas is required to submit the \$25,000 to the trustee by placing that amount into the trust account in the name of her counsel's law firm, or otherwise delivering to the trustee's counsel a certified check such as a cashier's check, by the close of business on Monday, July 29, 2019. Should Mr. Thomas fail to timely

1 provide payment of the \$25,000, Mr. Tersini shall have ten (10) days to provide the trustee's  
2 counsel with the amount of the backup bid.

3       After establishing the amount of sale price, the court admitted various exhibits into  
4 evidence in support of, and in opposition to, the sale. The parties questioned a representative of  
5 the estate's auctioneer, Hudson Stremmel, as a witness in support of the sale. Mr. Thomas called  
6 Jeffrey Hartman, counsel for the trustee, as a witness, and concluded his direct examination  
7 before the court adjourned, leaving cross examination and any redirect for a continued hearing.  
8 Mr. Thomas has listed a number of other witnesses for examination in opposition to the sale at a  
9 continued hearing. After discussion with the parties, the court continued the hearing until  
10 October 4, 2019, and advised all parties that evidence would be closed at 3:30 p.m. that day, and  
11 directed that they adjust their questioning accordingly. The court will allocate the remainder of  
12 that time for argument.

13       Therefore,

14       **IT IS HEREBY ORDERED** that the court has established the sale price for the Thomas  
15 Emerald pursuant to the Motion for Order Confirming Sale by Auction; Request for Approval of  
16 Payment of Commission to Stremmel Auctions (ECF No. 430) at \$25,000, and Anthony Thomas  
17 is deemed to be the prevailing high bidder, subject to the following conditions. No later than  
18 July 29, 2019 at 5:00 p.m. (PST), Mr. Thomas must tender the full purchase price of \$25,000 to  
19 the counsel for the chapter 7 trustee, Jeffrey Hartman, at Hartman & Hartman at 510 West Plumb  
20 Lane, Suite B, Reno, Nevada 89509. Funds must be tendered either: (1) in person in the form of  
21 a certified check made out to chapter 7 trustee "Jerri Coppa-Knudson," or (2) submitted to the  
22 client trust account of Hartman & Hartman via wire or other electronic transfer.

23       **IT IS FURTHER ORDERED** that, in the event Mr. Thomas does not deliver the \$25,000  
24 in verified funds to Mr. Hartman by the deadline set forth above, Mr. Hartman will file with the  
25 court and send to Mr. Thomas and Mr. Wayne Silver, counsel for back-up bidder Ken Tersini,  
26 notice if Mr. Thomas fails to timely tender the purchase funds (Notice).

27       **IT IS FURTHER ORDERED** that no later than close of business on the tenth day  
28 following the date of mailing or emailing of the Notice to Mr. Silver, Mr. Tersini or his counsel

1 must tender the full purchase price of \$23,650.00 (representing Mr. Tersini's bid of \$21,500 plus  
2 a 10% buyer's premium of \$2,150) to Mr. Hartman. Funds must be tendered either (1) in person  
3 in the form of a certified check made out to chapter 7 trustee "Jerri Coppa-Knudson," or (2)  
4 submitted to the client trust account of Hartman & Hartman via wire or other electronic transfer.

IT IS FINALLY ORDERED that a continued hearing on the Motion for Order

6 Confirming Sale by Auction; Request for Approval of Payment of Commission to Stremmel  
7 Auctions (ECF No. 430) is set for **October 4, 2019 at 9:00 a.m.** in the Clifton Young Federal  
8 Building, 300 Booth Street, Bankruptcy Courtroom, Fifth Floor, Reno, Nevada, before  
9 Bankruptcy Judge Gary Spraker. All evidence to be presented shall be concluded by 3:30 p.m.  
10 All witnesses are required to attend in person, and the court shall not admit into evidence any  
11 declaration of any witness who is not present for cross examination.

IT IS SO ORDERED.

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Copies sent to all parties via CM/ECF ELECTRONIC NOTICE and via U.S. Mail to:

ANTHONY THOMAS  
7725 PEAVINE PEAK COURT  
RENO, NV 89523

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